

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Angie M. Bradberry,)
Plaintiff,) C/A No. 2:16-3352-MBS
vs.)
Nancy A. Berryhill, Acting Commissioner)
of Social Security Administration,)
Defendant.)

)

ORDER

Plaintiff Angie M. Bradberry filed the within action on October 11, 2016, seeking judicial review of a final decision of Defendant Acting Commissioner of Social Security Administration denying Plaintiff's claims for disability insurance benefits.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Mary Gordon Baker for pretrial handling. On January 18, 2018, the Magistrate Judge issued a Report and Recommendation in which she recommended that the case be remanded because the decision of the Administrative Law Judge (ALJ) to reject the opinions of Dr. Netherton, Plaintiff's treating physician, is not supported by substantial evidence. The Magistrate Judge declined to address Plaintiff's other assertions of error, but recommended that the ALJ consider the allegations on remand. Plaintiff filed no objections to the Report and Recommendation. On January 31, 2018, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation of the Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The case is **reversed** pursuant to sentence four of 42 U.S.C. § 405(g) and **remanded** to the Commissioner for further consideration as set forth herein and in the Report and Recommendation.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

February 5, 2018.